

Amendments to the Drawings:

Replacement sheets for FIGS. 1-12 are enclosed which formalize the drawings that were submitted with the application. No other changes have been made. Formal drawings are submitted herewith under separate Letter to the Official Draftsperson. Approval by the Examiner is respectfully requested. required by the Examiner.

Attachment: Replacement Figures 1-12

REMARKS

The Examiner, in paragraph 3 of the Official Action, rejected claims 1-3 and 5-19 under 35 USC § 112 second paragraph for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. In this regard, the claims have been amended to provide appropriate antecedent basis and consistency of terminology among the various claims. It is respectfully submitted that the rejection under 35 USC § 112 second paragraph are no longer applicable.

The Examiner, in paragraph 5 of the Official Action, rejected claims 18 and 19 under 35 USC § 102(b) as being anticipated by U.S. 5,666,215 to Fredlund et al. Applicant respectfully submits that independent claims 1 and 18, upon which the remaining claims depend at least ultimately, are patentably distinct over the cited Fredlund et al. reference. In particular independent claims 1 and 12 particularly disclose the forwarding of captured images from an image capture device to the cable TV communication unit and then forwarding from the unit to a service provider over a broadband communication network for fulfillment of an order for photographic services. There is no teaching or suggestion in Fredlund of transmitting images from an image capture device to a cable TV communication unit and then forwarding from the unit to the service provider as taught and claimed. While Fredlund discloses the placing of orders over a communication network from a remote service provider, it does not teach either 1) transferring an image from an image capture device to a cable TV communication unit, or 2) forwarding of the image from the cable TV communication unit to a service provider over a broadband communication network.

The Fredlund reference fails to disclose the uploading of images from the consumer's TV to the remote service provider. Fredlund is primarily directed to ordering of images over a communication network wherein the images were provided by film to a processor where the processor processes the photographic film and scans them and puts them on a database and then allows access to the service provider for placing orders with respect to the images that have been stored on the database. Accordingly, Applicant respectfully submits that Fredlund does not anticipate the claimed invention nor does it teach or

suggest the invention. Claim 19 is dependent upon independent claim 18 and is therefore patentably distinct for the same reason.

The Examiner also rejected claims 1-3 and 5-19 under 35 USC § 103(a) over Fredlund in view of Manowitz et al. (6,614,470) for the reasons set forth in paragraph 7. The Examiner acknowledges that Fredlund does not specifically disclose accessing the cable TV communication unit with an image capture device and forward the captured images to the cable TV communication unit. Manowitz discloses use of a device for communicating with a TV, it does not teach or suggest that the device is connected to a service provider such as a cable TV service provider for forwarding of images. Quite the contrary, the Manowitz reference discloses a method for processing images and displaying them on a television receiver without any further assistance. This is accomplished by providing a processing device 104 that is able to provide images in a format compatible with NTSC, DTV, PAL or any other format used to display images on a TV (see column 2, lines 41-45). There is no teaching or suggestion of being connected to a cable TV service provider or providing a broadband service. Further, there is no teaching or suggestion of forwarding images to a remote service provider over a communication network. The Manowitz reference is directed to providing apparatus and method for displaying images in a convenient manner using a display device such as a TV (see column 1, lines 47-50. See also Column 3, lines 48-51). Further, Applicant respectfully submits that the two cited references are directed to two different problems solved in two different solutions. In particular, the Fredlund et al. reference is designed to being able to place orders over a communication network wherein the Manowitz is designed to be able to display images on a local TV device. There would be no motivation, teaching or suggestion of combining the references as suggested by the Examiner.

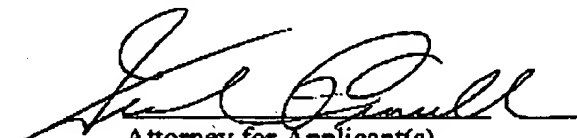
Even if the two references were combined neither of the references, individually or in combination, teach or suggest the uploading of images from a TV set top box, to a remote service provider using a broadband communication network as taught and claimed by Applicant. As previously discussed, Fredlund merely discloses placing an order for services over a communication network with respect to images that have already been provided at a remote location, and the Manowitz is simply directed to displaying images at a local device. In view of the foregoing, Applicant respectfully submits that

independent claims 1 and 18 and their various dependent claims are patentably distinct for reasons discussed above.

The Examiner has also rejected claims 7 and 12-15 under 35 USC § 103(a) as being unpatentable over Fredlund et al. in view of Manowitz et al. and further in view of Shiota et al. (US 6,324,521) for the reasons set forth therein. Claims 7 and 12-15 depend at least ultimately upon independent claim 1 and are patentably distinct for the same reasons previously discussed. The Shiota reference does not add anything which would render the independent claim upon which all these claims depend, at least ultimately, obvious and therefore Applicant respectfully submits that these claims are also patentable over the cited art.

In view of the foregoing it is respectfully submitted that the claims in their present form are in condition for allowance and such action is respectfully requested.

Respectfully submitted,



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If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.

Enc. Letter to Draftsperson w/formal drawings

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Jr., W. Brumlow, et al

A METHOD FOR PROVIDING
IMAGE GOODS AND/OR SERVICES
TO A CUSTOMER

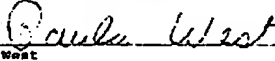
Serial No. 09/574,950

Filed 19 May 2000

Group Art Unit: 2611
Confirmation No. 9923

Examiner: Ngoc K. Vu

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deposited today with the United States Postal
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Date 6-30-05

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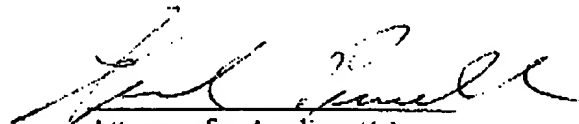
Sir:

LETTER TO THE OFFICIAL DRAFTSPERSON

Enclosed are 12 sheets of formal drawings depicting Figure(s) 1-12. Please substitute these drawings for those currently on file in the subject application.

The Commissioner is hereby authorized to charge any fees in connection with this communication to Eastman Kodak Company Deposit Account No. 05-0225. A duplicate copy of this letter is enclosed.

Respectfully submitted,


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